UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,020	02/09/2004	Ramez Emile Necola Shehada	064693-0102	9080

7590 10/04/2006

MCDERMOTT, WILL & EMERY
Suite 3400
2049 Century Park East
Los Angeles, CA 90067

EXAMINER	
GIBSON, KESHIA L	

ART UNIT	PAPER NUMBER
3761	

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/776,020	SHEHADA, RAMEZ EMILE NECOLA	
	Examiner	Art Unit	
	Keshia Gibson	3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 August 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-13,15-19 and 21-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-13,15-19 and 21-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/28/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/31/06 has been entered.

Response to Arguments

2. Applicant's arguments filed 8/31/06 have been fully considered but they are not persuasive. Applicant has argued:

a. That Takezawa et al. and Johnson are configured to be inserted in the esophagus/stomach and a(n) artery/vein, respectively, not a surgical wound, and therefore cannot anticipate this claim limitation. However, in regards to the device claims, this limitation is considered to be an intended use recitation. It has been held that a recitation with respect to the manner in which a claimed invention is intended to be employed does not differentiate the claimed invention from a prior art satisfying the claimed structural limitations. *Ex parte Masham, 2 USPQ2d 1647 (1987). In re Paulsen, 30 F.3d 1475, 31 USPQ 2d 1671 (Fed. Cir. 1994).* Furthermore, it is known to access certain body cavities, including the heart and stomach, through surgical wounds, as supported by US 4,991,594 and US

4,449,974. Additionally, it would have been obvious to one of ordinary skill in the art to modify the use of the device to be implanted into a surgical wound instead of a body cavity since it is known that a body cavity my be accessed through a surgical wound or a natural opening and that a catheter may inserted into the body through a surgical wound or a natural opening.

b. That Takezawa et al. do not teach drain holes "spaced along substantially the length of the drain lumen," measuring of fluid within the catheter, or affixing the pressure sensor to the conduit. These newly added limitations are considered to be addressed by the grounds of rejection below.

c. That Takezawa et al. only teach that the drain holes should be "near the tip portion of the main tube." However, simply that there are differences between two references is insufficient to establish that such references "teach away" from any combination thereof. *In re Beattie*, 974 F.2d 1309, 1312-13, 24 USPQ2d 1040, 1042 (Fed. Cir. 1992).

d. That pressure and temperature are not biochemical properties. For purposes of this Office Action, this statement has been considered valid and is considered to be addressed by the grounds of rejection below.

e. That there is no motivation for modifying Johnson to add drain holes spaced substantially the length of its catheter because 1) if holes were added along the length of this catheter, this would **probably** cause blood at other locations to be sampled and tested and 2) adding holes of this catheter **might** also lead to the depletion of too much blood from the patient, creating a health

hazard. However, applicant's arguments are merely speculative. Applicant's arguments cannot take the place of factual evidence. *In re Schulze*, 346 F.2d 600, 602, 145 USPQ 716, 718 (CCPA 1965); *In re Geisler*, 116 F.3d 1465, 43 USPQ2d 1362 (Fed. Cir. 1997). (Further see MPEP 2145). An application should not be allowed, unless and until issues pertinent to patentability have been raised and resolved in the course of examination and prosecution, since otherwise the resultant patent would not justify the statutory presumption of validity (**35 U.S.C. 282**), nor would it "strictly adhere" to the requirements laid down by Congress in the 1952 Act as interpreted by the Supreme Court. The standard to be applied in all cases is the "preponderance of the evidence" test. In other words, an examiner should reject a claim if, in view of the prior art and evidence of record, it is more likely than not that the claim is unpatentable (MPEP 706). Motivation to provide drainage holes was provided in the previous grounds of rejection, and again below.

f. It is further pointed out that the drain lumen, as claimed, may be defined as any portion of the elongated conduit; such observation is also supported by Applicant's depictions of the claimed invention.

g. Applicant's acknowledgement of the double patenting rejection is also acknowledged. Until a terminal disclaimer is filled, the double patenting rejection shall be maintained.

3. Thus, despite applicant's arguments, Johnson and Takezawa are still considered to anticipate and/or render obvious the structural limitations set forth in the claimed

invention, as presented in the previous Office Action (which has been modified and presented again, in view of applicant's amendments, below).

Claim Objections

4. Claim 16 is objected to because of the following informalities: the wording of the language of lines 10-11 is highly awkward. It is suggested that "of" at least be added between "surgical drain" and "a biochemical property". It is further suggested that the lines to reworded to state: "sensing a biochemical property of a substance within the drain lumen over time by a first sensing system affixed to the surgical drain." Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 4 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. The claim is directed toward biochemical properties but the Markush group listing includes several properties that are not considered to be biochemical properties. Only the properties that are biochemical properties are provided with proper antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-4, 6-7, 9-13, and 16-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (US 3,866,599) in view of Russo et al. (US 4,317,452).

In regard to Claim 1, Johnson discloses a surgical drain 1 comprising an elongated conduit 2 configured to be implanted in and to drain from a patient's body (column 1, lines 7-10). The drain 1 further comprises at least one sensing system 11, 21, 27 for sensing a biochemical property; the fibers are configured to deliver energy into the lumen and receive energy after it has been modulated by a biochemical property (column 1, lines 20-25 and lines 44-49; column 2, lines 12-22 and lines 51-66). Johnson discloses multiple sensing (and transmitting) systems, any of which may be considered at least one sensing element. Johnson further discloses that the sensing elements may end within the lumen, thus the sensing elements can sense a biochemical property within the lumen (Fig. 7, column 3, lines 25-35). Johnson discloses a surgical drain 1 having a conduit configured to rest against a substantial length of tissue within the body cavity and having a lumen 22 (considered analogous to a drain hole) (Figs. 1-6; column 2, line 29- column 3, line 5). Johnson does not disclose that the conduit comprising a plurality of holes spaced along substantially the length of the drain lumen. Russo et al. discloses a surgical drain comprising a drain lumen having a plurality of holes along

substantially its length (Fig. 1; column 2, lines 7-19; column 4, line 56-column 5, line). Russo et al. teach that having holes along the drain lumen allows body fluids in the cavity to pass into and along the conduit into a drainage site. One of ordinary skill in the art would have been motivated to modify the surgical drain of Johnson by providing it with a plurality of holes, as taught by Russo et al., since doing so would allow for body fluid to be drained from a body cavity along a substantial length of the tube and/or from a substantial portion of the body cavity. Thus, it would have been obvious to one of ordinary skill in the to provide the surgical drain of Johnson with a plurality of holes, as taught by Russo et al., since doing so would allow for body fluid to be drained from a body cavity along a substantial length of the tube and/or from a substantial portion of the body cavity.

In regard to Claim 2, the drain 1 is designed to drain body fluids, and is therefore considered capable of draining blood, puss, bile, or intestinal contents.

In regard to Claim 4, sensing elements can sense biochemical properties, including oxygenation (column 1, lines 44-49; column 2, lines 16-22 and 33-36).

In regard to Claim 6, the drain further comprises an oximeter that receives energy from the optical fibers (at least one sensing element) 11, 21, 27 (column 2, line 62-column 3, line 5). The oximeter provides measurements, so it would have to display these measurements in some form to the user. Thus, the oximeter is considered analogous to a display.

In regard to Claim 7, see previous discussion for Claim 1. Johnson discloses multiple sensing/transmitting systems, any of which may be considered a first sensing system

and a first transmitting system; the elements/systems are proximate to each other; the sensing elements may end within the lumen, thus the sensing elements can sense a biochemical property within the lumen (column 1, lines 20-25 and lines 44-49; column 2, lines 12-22 and lines 51-66, Fig. 7, column 3, lines 25-35).

In regard to Claim 9, the sensing/transmitting elements 11, 21, 27, and thus their associated first and second positions, are arranged in a circle first and second positions can be defined so as to be located on substantially opposite sides of the drain lumen.

In regard to Claim 10, as discussed for claims 1 and 7, Johnson discloses multiple sensing/transmitting systems, any of which (not defined as a first sensing system or a first transmitting system) may be considered a second sensing system or a second transmitting system. Any portions of the lumen proximate (near) the second sensing system 11, 21, 27 and the second transmitting system 11, 21, 27 can be defined as a "third position" or a "fourth position."

In regard to Claim 11, a processing system in communication with the sensing systems and is used to compare (or is capable of comparing) a difference between the energy detected by the systems (column 2, line 62-column 3, line 5).

In regard to Claim 15, see discussion for Claim 6.

In regard to Claims 16-19 and 21-23, see previous discussion for Claims 1-2, 4, 6-7, 9-13 and 15, as well as the response to arguments. Johnson further discloses a process in which the drain is to be placed into the body in proximity to body tissue and receives information from the first sensing system 11, 21, 27; the information received is

monitored to evaluate the condition of the tissue (column 2, lines 12-28). Additionally, it has been held that the prior art inherently performs a claimed method when that prior art meets the structural limitations of the article of the claimed invention and is used in normal and usual operation (see MPEP 8 2112.02). It is considered normal and usual operation to implant a surgical drain with sensors into the body to drain fluids and monitor the conditions therewithin. Furthermore, it is known to access certain body cavities, including the heart, through surgical wounds, as supported by Russo et al. (column 1).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Takezawa (US 5,108,364) or Kalb (US 5,476,434).

In regard to Claim 3, Johnson discloses that the drain comprises a plurality of sensing elements, but does not expressly disclose that the elements sense a plurality of biochemical properties. Takezawa and Kalb disclose configuring a drain or a similar device so as to sense multiple biochemical properties. One of ordinary skill in the art would have been motivated to modify Johnson to sense multiple biochemical properties, as taught by Takezawa and Kalb, since it is known in the art to do so.

In regard to Claims 12-13, Johnson discloses that drain comprises a third sensing system (associated with element 6) configured to sense a different physiological property (column 1, lines 32-49, column 2, lines 12-28). Johnson does not expressly disclose a biochemical property. However, it would have been obvious to one of ordinary skill in the art to modify since it is known within the art that sensors may be configured to detect either physiological and/or chemical properties, as support by Kalb (column 5, lines 46-67).

13. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Yarger (US 5,360,414).

In regard to Claims 8 and 15, Johnson discloses that the transmitting element and sensing system 11, 21, 27 are embedded in the conduit (column 3, lines 6-9). Johnson discloses that claimed invention except for the element and system being embedded within the conduit behind a material that is optically transparent. Yarger discloses a surgical drain for removing fluid from a body cavity. Yarger teaches that the elongate tubular section 22 (analogous to an elongated conduit) may be made of a transparent or

translucent material so that a caregiver can view the flow of the fluid through the lumens or the interior or the tube 22 (column 8, lines 24-27). One would have been motivated to modify the elongated conduit of Johnson to be made of a transparent material as taught by Yarger, since doing so would allow a caregiver can view the flow of the fluid through the lumens or the interior or the conduit. Thus, it would have been obvious to one of ordinary skill in the art to modify the elongated conduit of Johnson to be made of a transparent material as taught by Yarger, since doing so would allow a caregiver can view the flow of the fluid through the lumens or the interior or the conduit.

14. Claims 1-4, 6-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takezawa et al. (5,108,364) in view of Kalb (US 5,476,434) in view of Russo et al. (US 4,317,452) and in further view of Yanda (US 4,413,633).

In regard to Claim 1, Takezawa et al. disclose a surgical drain 1 comprising an elongated conduit 2 having a lumen and a plurality of drain holes, and further comprising at least one sensing element affixed to the conduit and configured to sense a physiological property of a specific area of a body cavity (Figs.1A-5; columns 3-4; column 5, line 38-column 6, line 14).

Takezawa et al. do not expressly disclose a biochemical property. However, it would have been obvious to one of ordinary skill in the art to modify since it is known within the art that sensors may be configured to detect either physiological and/or chemical properties, as support by Kalb (column 5, lines 46-67).

Takezawa et al. do not expressly disclose that the plurality of drain holes is spaced along substantially the length of the drain lumen. However, the claimed invention describes these parameters as being merely preferable, and does not describe it as contributing any unexpected result to the drainage catheter. As such, these parameters are deemed an obvious modification (lacking any criticality) well within the skill of the ordinary artisan, obtained through routine experimentation in determining optimum results, as further supported by Russo et al, which teach providing a drain with a plurality of holes in the tube wall, preferably in a pattern extending lengthwise along a substantial portion of the length of the tube.

Takezawa et al. do not expressly disclose that sensing the property of drained fluid within the lumen. Yanda discloses a fluid drainage tube having a sensor within the lumen of the drainage tube so as to sense a biochemical property of a fluid within the drain lumen. Yanda further disclose that providing the sensor within the lumen provides a more accurate measurement of the intended biochemical property since the measurement is not affected by extraneous factors. One would have been motivated to modify the sensors of Takezawa et al. to sense the properties of fluids within the drain lumen, as taught by Yanda, since doing so would provide for a more accurate measurement of the intended biochemical property since the measurement is not affected by extraneous factors. Thus, it would have been obvious to one of ordinary skill in the art to modify the sensors of Takezawa et al. to sense the properties of fluids within the drain lumen, as taught by Yanda, since doing so would provide for a more

accurate measurement of the intended biochemical property since the measurement is not affected by extraneous factors.

In regard to Claim 2, the drain is designed to drain body fluids, and is therefore considered capable of draining blood, puss, bile, or intestinal contents.

In regard to Claim 3, the drain further comprises a plurality of sensing elements configured to sense a plurality of biochemical properties, such as pressure, which are different from each other (Figs. 1A-5; columns 3-4).

In regard to Claim 4, Takezawa discloses that the biochemical property sensed is temperature (column 3, lines 26-43; column 4, lines 1-26) but does not expressly disclose that the property may be color, concentration, oxygenation, pH, biochemical composition, or drug concentration. However, it would have been obvious to one of ordinary skill in the art to select any of these as the biochemical property since these property and temperature are art recognized equivalents for their use as observable biochemical properties to be sensed by a sensor, as supported by Kalb (US 5,476,434, column 5, lines 46-67) and the selection of any of these known equivalents to be sensed by a sensor would be within the level of ordinary skill in the art.

In regard to Claim 6, both Takezawa et al. and Yanda disclose that the drain further comprises a display (monitor or indicator) in communication with the sensing elements and configured to depict data (Takezawa: column 4, lines 3-15 and lines 44-50; Yanda: Figs, column 3, line 35) but does not expressly disclose that the first sensing element is in communication with a display that depicts data. However, it would have been obvious to one of ordinary skill in the art to provide a display in communication with the first

sensing element since Takezawa discloses the use of displays to depict information from a sensing element. Furthermore, it is well known within the art to put sensors in communication with displays to depict information gathered by the sensors.

In regard to Claims 7, 10, and 12, Yanda discloses providing transmitting elements (sensors) configured to deliver energy proximate to sending systems (leads) configured to receive the delivered energy after it is modulated by a biochemical property (columns 2-3). Further see previous discussion for Claims 1 and 3.

In regard to Claim 8, Yanda discloses that the transmitting elements and sensing elements may be embedded in the conduit behind optically transparent material (column 2, lines 67-68, column 3, lines 40-58).

In regard to Claim 9, Takezawa discloses that the positioning of the elements in relation to each other affects the performance of the drain (column 5, lines 1-14). As such, the relative position of each element is considered to be a result effective variable. Thus, it would have been obvious to one of ordinary skill in the art to provide the sensing and transmitting elements opposite each other since Takezawa discloses that the positioning of the elements is important and thus would led one of ordinary skill in the art to optimization the positioning of the elements.

In regard to Claims 11 and 15, see previous discussion for Claims 6-7, 10, and 12.

In regard to Claim 13, see previous discussion for Claim 4.

15. Claims 16-19 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takezawa et al. in view of Tu et al. in view of Russo et al. in view of

Yanda, as applied to claims 1-4 and 6-15 above, and further in view of Russo (US 4,317,452).

In regard to Claim 16-19 and 21-23, See previous discussion for Claims 1-4 and 6-15, as well as the response to arguments. Additionally, it has been held that the prior art inherently performs a claimed method when that prior art meets the structural limitations of the article of the claimed invention and is used in normal and usual operation (see MPEP 8 2112.02). It is considered normal and usual operation to implant a surgical drain with sensors into the body to drain fluids and monitor the conditions therewithin. Furthermore, it is known to access certain body cavities, including the stomach, through surgical wounds, as supported by Russo et al. (column 1). Additionally, it would have been obvious to one of ordinary skill in the art to modify the use of the device to be implanted into a surgical wound instead of a body cavity since it is known that a body cavity my be accessed through a surgical wound or a natural opening and that a catheter may inserted into the body through a surgical wound or a natural opening.

Double Patenting

16. Claims 1-4, 6-13, 15-19, and 21-23 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 33-62 and 75-102 of copending Application No. 10/776,021 in view of Johnson.

Claims 1-4, 6-13, 15-19, and 21-23 of the current application mirror or substantially correspond to Claims 33-62 and 75-102 of the copending application. The claims of the current application do not disclose an anchor, a projection, a flap, or a loop

attached to the drain. Johnson teaches a drain having anchors, projections, flaps, and/or loops (Figs. 8-11) and further teach that these elements provide a variety of beneficial functions, including aiding in positioning of the catheter and assisting in fluid flow (Figs. 8-11, column 3, lines 36-column 5, line 15. One of ordinary skill in the art would have been motivated to modify the claimed invention to provide anchors, projections, and/or loops since doing so would provide beneficial functions such as positioning of the catheter and assisting in fluid flow. Thus, it would have been obvious to one of ordinary skill in the art to modify the claimed invention to provide anchors, projections, and/or loops since doing so would provide beneficial functions such as positioning of the catheter and assisting in fluid flow.

This is a provisional obviousness-type double patenting rejection.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Schoolman (US 5,215,539), Skrabel (US 5,097,834), Batdorf et al. (5,549,579), Halili et al. (US 5,586,553), and Mann et al. (US 6,809,653).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keshia Gibson whose telephone number is (571) 272-7136. The examiner can normally be reached on M-F 9:30 a.m. - 7 p.m., out every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on (571) 272-1115. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keshia Gibson
Examiner
Art Unit 3761

klg 9/25/06

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER